

Morgan County Planning Commission  
Meeting Minutes  
January 27, 2015

I. CALL TO ORDER

Meeting was opened at 7:02 p.m.

Members present: Jack Soronen, George Didawick, Susan Parker, Scott Swaim, Wayne Omps, Robert White, Jim Hoyt, Eric LaRue.

Members absent: Carl Cowgill, Brad Close.

II. ELECTION OF OFFICERS

Floor was opened for nominations for President:

On a Wayne Omps/Susan Parker motion, Jack Soronen was nominated to serve as President of the Morgan County Planning Commission for 2015. Motion carried.

Floor was opened for nominations for Vice-President:

On a Susan Parker/George Didawick motion, Scott Swaim was nominated to serve as Vice-President of the Morgan County Planning Commission for 2015. Motion carried.

III. MEETING MINUTES

On a Susan Parker/Scott Swaim motion, the minutes from the September 23, 2014 Planning Commission meeting were unanimously approved.

IV. PRELIMINARY PLAT PUBLIC HEARING – PLANNED UNIT DEVELOPMENT

A. Oakland Overlook Subdivision

Owned and Developed by: Cacapon Associates & Cross Development LLC

Located: Intersection of Rt. 522 & Oakland Road

Project Description: A re-platting of an existing single-family subdivision, Oakland Overlook (approved in 2007), as a Planned Unit Development to allow for commercial development. The re-plat proposal consists of 9 lots totaling 8.07 acres. The commercial development lot size is 2.50 acres. The 8 remaining single family subdivision lots total 5.56 acres.

Waiver Requests:

1. Requesting approval of the PUD without final State and County permits.

- Morgan County Health Department Well Permit
- WVDEP/WV Dept. Of Health Revised Sewage Permit
- WVDOH Entrance Permit
- WVDEP NPDES Permit
- EPCD Sediment & Erosion Control Review

These permits will be required with the Final Plat submittal.

2. Waiver of current subdivision minimum lot size. Requesting that the remaining 8 residential lots be approved as originally platted and approved.

Jack Soronen opened the discussion by introducing all the Planning Commission members to the audience. He stated that this application and discussion are about permitting the change in the land and not about the type of business to be placed on the land. He then opened the floor for public comments.

Russell Mokiber – Meeting at church expressing opposition to development; Read letter from Scott DeBueff questioning 2 waiver requests vs. extraordinary hardship as stated in regulations; Read letter from Harry Weiss who is opposed to construction, no value to community, traffic issues, why not in Industrial Park. Mr. Mokiber opposed project, traffic issues.

Tom Darroch – Opposed to development, has same issues as just mentioned.

Mike Donadieu - Lives across the road from development and is opposed, the character of the neighborhood adversely affected.

Ed Kushner – Property values will be affected, traffic, sympathetic to property owners who are close by.

Bob Donadieu – Moved here in 1973 and Oakland Road is the same today, traffic increased significantly, safety to community, waivers just to push project through.

Paul Stern – Question regarding who is developer, land owner and developer listed on application, 7 waiver requests does not see claim where there is extraordinary hardship, property values, hurt local businesses, does not meet the minimum requirements of the ordinance and cannot be approved.

Cathleen Rogers – Question for Josh Allen of Cross Development-why not located in Industrial Park. J. Allen-Not a market for that area and don't typically locate within Industrial Parks, convenience style business.

Frank Rogers – Thank community for having discussion, object to public hearing because of improper public notification, public hearing sign at the site illegible and incorrect.

Rita Donadieu – Contacted Beth Peters representing MCEDA and she confirmed that there are lots available at the Industrial Park; Understands that lots in rear of park not feasible but lots fronting Rt. 522 may be available and more accessible than Oakland Road; Food Lion turning lane not sufficiently wide enough for semi's turning into store; supports Frank's comments regarding violation of advertising requirements; would like to request WVDOH require traffic study, deceleration & turning lanes; Lot sizes are under one acre and law says they need to be one acre. J. Soronen responded by saying there are three classes of lot sizes depending upon infrastructure available. Ms. Donadieu questioned the burden of re-platting the subdivision.

Debra Letz – Has pond on her property on Oakland Road; Against commercial property; There will be runoff from commercial site that will drain into the creek; Traffic concerns; Has had several accidents and near misses on Rt. 522; Potential for increase in robberies; Right now crime level is low in this area.

Gareth Foulds – Lives about 2 miles from site and agrees with everyone's comments; Told by Justin Cowles that existing subdivision was set up for small homes for working class; In favor of keeping existing subdivision plat the way it is today.

Sandy Gamble – Just moved here from Frederick to avoid sprawl.

Jennifer Carpenter-Peak – Opposed to project; Waivers are in place for something "outstanding" from development point of view; Oakland Overlook of the mindset of "let's get rid of it" but how can the community get rid of it; Community does not need it; Traffic is huge issue; To grant waivers is not appropriate; Developer (P. McCuan) does not live here; Business models not appropriate; Developer is greedy and only concerned with making money; There is already a store in Berkeley Springs.

Ellen Lachewitz – If Planning Commission approves the change to commercial lot then the rest of the lots should be brought up to subdivision standards (1 acre lots); shopped at Dollar General, there are good buys there; Was market research performed for this site and could that be made available for the public. J. Allen – Dollar General is a client of Cross's but will check with them about the availability of the market research.

Rick Watson – Concerned that home values have already been affected.

Dave Griffiths – Dangerous traffic patterns on Rt. 522; Must use berms as exit ramp.

Barb Wolfe – Is a small business owner; Is this an additional store? J. Allen – Yes, this is an additional store; Intent is to reach a different market than the store located in town (10 mile area), commonplace for this. Ms. Wolfe – This will be the 4<sup>th</sup> store in a community of 17,000 people, will the community support four stores.

Foster Riggs – Rides his horse along Oakland Road and people jog there also; There is enough traffic along the road now; Picks up trash along the road, will be more trash due to commercial store.

Carol Hsu – Has lived along Rt. 522 for 40 years; Concerned about the additional traffic; Will not support or shop there; Light pollution is an issue that has not been discussed, there needs to be light protection for the observatory; This should not be approved, it is not a commercial setting.

Josh Allen – Thanked everyone for their comments; Appears to be a lot of speculation; Has spoken with the WVDOH regarding entrance and they are recommending turning lane going south and will meet all the permit criteria; Truck maneuvering models going in and out of the site (53' 18 wheeler); They will obtain all the required permits once the PUD application is approved; Stormwater management will be compliant with the County's Ordinance and will follow all the guidelines; He hoped that this helps everyone understand more about the project.

Justin Cowles – They are not looking for waivers of permits, only waivers of time limits; Sewer utility not comfortable modifying permit if project falls through; Waiver concept not always a bad thing when looking at time frame.

Robert Donadieu – Need to follow ordinance, Article 4.2 to post sign; Could not read sign.

Frank Rogers – Object to formal meeting; Going to put in a turn lane but can't put up a sign; Requirements not met.

Jennifer Carpenter-Peak – Traffic is not only concern; Most citizens from southern part of the county do not want to shop there; Put all small business owners out of business; Plaster area with stores.

Karen Ragan – Was it the idea to come in with a small unit and the company will expand later?  
J. Allen-There is no small unit; Use a prototype store for all locations.

Rita Donadieu – Will not shop there; Requested to put up a sign; Not community oriented.

Catherine Rogers – Will not shop there; Treat employees horribly.

Barb Wolfe – Is sewer system tied into Cacapon South? J. Cowles – Yes, utility is mandated to serve those requesting hookup; Permit needs to be modified to serve retail business; It is better served to remove 4 residential hookups and add one retail; Serving project is well within the capacity of the public utility.

Frank Rogers – Hearing from the developer how easy it will be to obtain the permits; Why the waiver requests?

#### V. SCHEDULING OF SPECIAL MEETING – PRELIMINARY PLAT PUBLIC HEAIRNG

Planning Commission President Jack Soronen confirmed with staff that public notification of this evening's hearing was deficient and does not meet the advertising requirements of the Subdivision Ordinance therefore the public hearing was not opened or conducted.

The idea of public notice is very important to the Planning commission. Staff had stated that the next possible date for a public hearing would be February 17, 2015.

On a George Didawick/Susan Parker motion, the Planning Commission agreed to schedule a special meeting for February 17, 2015 at 7:00pm to conduct business and review the Oakland Overlook application. This meeting is in lieu of the regularly scheduled meeting which would have been on February 24<sup>th</sup>. Motion carried.

Paul Stern – What is the status of this meeting, does it exist and will there be notes; Will you be dealing with the same application.

Mr. Soronen stated that it is an official meeting of the Planning Commission and there will be minutes prepared for the meeting. Staff had stated that it will be the same application being reviewed.

#### VI. ADJOURNMENT

Meeting adjourned at 8:35 p.m.